

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

PENNY T. COLLINS,

Plaintiff,

vs.

Civil Action No.
5:07-CV-0493 (NAM/DEP)

THE STATE OF NEW YORK, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

CONNOR LAW OFFICE
440 South Warren Street
Suite 703
Syracuse , NY 13202

MAIREAD E. CONNOR, ESQ.

FOR DEFENDANTS:

HON. ANDREW M. CUOMO
Office of the Attorney General
State of New York
615 Erie Boulevard West
Suite 102
Syracuse, NY 13204-2455

TIMOTHY P. MULVEY, ESQ.
MARIA MORAN, ESQ.
Assistant Attorneys General

DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

ORDER

Defendants in this action have applied to the court for leave to

continue the deposition of plaintiff Penny T. Collins for the limited purpose of probing an issue which arose during the course of the deposition of her treating physician, Dr. John Alley. Dkt. No. 51. Plaintiff opposes defendants' application. Dkt. No. 52.

A digitally recorded telephone conference was held on May 5, 2009 to address defendants' request. During that conference I issued a bench decision granting the motion, subject to conditions. Based upon the foregoing and the court's oral decision, which is incorporated herein by reference, it is hereby

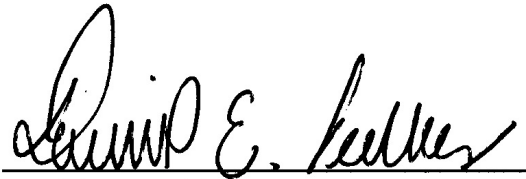
ORDERED as follows:

1) Plaintiff is directed to submit to further deposition in this case at a mutually convenient time and place on or before June 5, 2009, not to exceed one hour in duration, for the limited purpose of exploring whether or not she was sexually assaulted in the past while working at a facility operated by the New York State Department of Correctional Services, as intimated by Dr. Alley.

2) The application filed by defendants for that relief, which includes sensitive medical information and which was filed electronically (Dkt. No. 51) is hereby withdrawn from the electronic docket, and shall

instead be filed conventionally.

3) The clerk is directed to promptly forward copies of this order to the parties via electronic means.

A handwritten signature in black ink, appearing to read "David E. Peebles", is written over a horizontal line.

David E. Peebles
U.S. Magistrate Judge

Dated: May 6, 2009
Syracuse, NY